

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-MJ-8355-BER
UNITED STATES OF AMERICA

v.

Gonzalo LUNA-CANALES,
a/k/a Gonzalo VILLALTA,
Defendant

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:

Gregory Schiller
Gregory Schiller

Assistant United States Attorney

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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

Gonzalo LUNA-CANALES,
a/k/a Gonzalo VILLALTA,

Case No. 23-MJ-8355-BER

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 28, 2022 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section
8 U.S.C. § 1326(a)

Offense Description
Illegal reentry after removal

FILED BY TM D.C.

Jul 19, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - WPB

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

US ICE ERO Officer Andy Korzen

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1, telephone (FaceTime).

Date: 07/19/2023

Judge's signature

City and state: West Palm Beach, Florida

United States Magistrate Judge Bruce E. Reinhart

Printed name and title

**AFFIDAVIT
OF
ANDY KORZEN
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT**

I, Andy Korzen, being duly sworn, depose and state as follows:

1. I am a Task Force Officer (TFO) with the Homeland Security Investigations (HSI), and I am also Deportation Officer with the Immigration and Customs Enforcement (ICE) and have been so employed for over twenty years. I am currently assigned to the HSI, West Palm Beach, Florida. My duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature.

2. This affidavit is based upon my own knowledge as well as information provided to me by other law enforcement officers. This affidavit does not set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause to believe that Gonzalo LUNA-CANALES, also known as Gonzalo VILLALTA, committed the offense of illegal re-entry after removal, in violation of Title 8, United States Code, Section 1326(a).

3. On or about August 28, 2022, Gonzalo LUNA-CANALES was arrested in Palm Beach County, Florida for the offense of driving under the influence (DUI). He was booked and detained at the Palm Beach County Jail. On the same day, that is on or about August 28, 2022, Gonzalo LUNA-CANALES was released from custody on own recognizance. Gonzalo LUNA-CANALES failed to appear for status check on February 14, 2023, and subsequently arrest warrant was issued in this case.

4. On or about July 8, 2023, Gonzalo LUNA-CANALES was arrested in Palm Beach County, Florida for the offenses of driving without a driver's license, and outstanding warrant for failure to appear in DUI case. He was booked and detained at the Palm Beach County Jail.

5. A review of the immigration records shows that Gonzalo LUNA-CANALES is a native and citizen of El Salvador. Records further show that on or about April 27, 2007, Gonzalo LUNA-CANALES was ordered removed. The Order of Removal was executed on or about May 14, 2007, whereby Gonzalo LUNA-CANALES was removed from the United States and returned to El Salvador.

6. Gonzalo LUNA-CANALES's fingerprints taken in connection with his August 28, 2022, arrest in Palm Beach County were scanned into the IAFIS system. Results confirmed that scanned fingerprints belong to the individual who was previously removed from the United States, that is Gonzalo LUNA-CANALES.

7. A record check was performed in the Computer Linked Application Informational Management System to determine if Gonzalo LUNA-CANALES filed an application for permission to reapply for admission into the United States after deportation or removal. After a search was performed in that database system, no record was found to exist indicating that Gonzalo LUNA-CANALES obtained consent from the Attorney General of the United States or from the Secretary of Homeland Security, for re-admission into the United States as required by law.

8. Based on the foregoing, I submit that probable cause exists to believe that, on or about August 28, 2022, Gonzalo LUNA-CANALES, an alien who has previously been deported and removed from the United States, was found in the United States

without having received the express consent from the Attorney General or the Secretary of the Department of Homeland Security for re-admission into the United States, in violation of Title 8, United States Code, Section 1326(a).



Andy Korzen
Task Force Officer
Homeland Security Investigations

Sworn and Attested to me by Applicant by Telephone (Facetime) pursuant to Fed. R. Crim. P. 4(d) and 4.1 this 19th day of July 2023.



BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Gonzalo LUNA-CANALES, a/k/a Gonzalo Villata

Case No: 23-MJ-8355-BER

Count #1:

Illegal reentry after removal

8 U.S.C. § 1326(a)

*** Max. Term of Imprisonment:** 2 years

*** Mandatory Min. Term of Imprisonment (if applicable):** n/a

*** Max. Supervised Release:** 1 years

*** Max. Fine:** \$250,000

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**